



# **Cushing ISD**

## **2021–2022**

### **Employee Handbook**

(Revised 07-20-2021)

If you have difficulty accessing the information in this document because of a disability, please contact Human Resources at (936) 326-4890 or send an email to [humanresources@cushingisd.org](mailto:humanresources@cushingisd.org)

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# Employee Handbook Receipt

Name \_\_\_\_\_

Campus/Department \_\_\_\_\_

I hereby acknowledge receipt of a copy of the Cushing ISD Employee Handbook. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document.

Employees have the option of receiving the handbook in electronic format or hard copy.

***Please see the Human Resources section of the Business Office page on the Cushing ISD website for a copy of the CISD Employee Handbook or send a request to [humanresources@cushingisd.org](mailto:humanresources@cushingisd.org).***

Please indicate your choice by checking the appropriate box below:

- I choose to receive the employee handbook in electronic format and accept responsibility for accessing it according to the instructions provided.
- I choose to receive a hard copy of the employee handbook and understand I am required to contact \_\_\_\_\_ to obtain a hard copy.

The information in this handbook is subject to change. I understand that changes in district policies may supersede, modify, or render obsolete the information summarized in this document. As the district provides updated policy information, I accept responsibility for reading and abiding by the changes.

I understand that no modifications to contractual relationships or alterations of at-will employment relationships are intended by this handbook.

I understand that I have an obligation to inform my supervisor or department head of any changes in personal information such as phone number, address, etc. I also accept responsibility for contacting my supervisor or the Human Resources Department if I have questions or concerns or need further explanation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Please sign and date this receipt and forward it to the Business Manager or [humanresources@cushingisd.org](mailto:humanresources@cushingisd.org).**

# Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included. Those that are, have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to Business Manager or [humanresources@cushingisd.org](mailto:humanresources@cushingisd.org).

This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of noncontract employees in any way. Rather, it is a guide to and a brief explanation of district policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate district office. District policies can be accessed online at [www.cushingisd.org](http://www.cushingisd.org).

# District Information

## Description of the District

Cushing Independent School District is proud of its accomplishments, strong tradition, and loyal alumni. Since 1933 we have served the needs of our citizens and have graduated young men and women to become leaders in our community, state, and nation. The district strives to provide a quality education to all of its students through forward-looking planning and a strong commitment to excellence.

Cushing ISD is located approximately 23 miles north of Nacogdoches on Highway 204. The school is located within 25 miles of Henderson, Alto, Jacksonville, and Rusk. The total enrollment is approximately 500 students in grades Pre-K to 12.

## Mission Statement, Goals, and Objectives

Believing that all children can learn, it is the mission of the District to develop a value for lifelong learning while being taught academic skills. In order to accomplish this mission, the District shall teach a curriculum of English language arts, mathematics, science, social studies, fine arts, health, physical education, and technological literacy. All students shall acquire knowledge of citizenship and economic responsibilities and an appreciation of our common American heritage. This curriculum shall be taught in an efficient environment adapted to the needs, interests, and abilities of all students while involving parents and taking into account the resources of the community. The District believes that it can make a difference in the lives of its students.

The mission of the Texas public education system is to ensure that all Texas children have access to a quality education that enables them to achieve their full potential and fully participate now and in the future in the social, economic, and educational opportunities in our state and nation. That mission is grounded on the conviction that a general diffusion of knowledge is essential for the welfare of Texas and for the preservation of the liberties and rights of Texas citizens. It is further grounded on the conviction that a successful public education system is directly related to a strong, dedicated, and supportive family and that parental involvement in the school is essential for the maximum educational achievement of a child. The objectives of public education are:

OBJECTIVE 1: Parents will be full partners with educators in the education of their children.

OBJECTIVE 2: Students will be encouraged and challenged to meet their full educational potential.

OBJECTIVE 3: Through enhanced dropout prevention efforts, all students will remain in school until they obtain a diploma.

OBJECTIVE 4: A well-balanced and appropriate curriculum will be provided to all students.

OBJECTIVE 5: Educators will prepare students to be thoughtful, active citizens who have an appreciation for the basic values of our state and national heritage and who can understand and productively function in a free enterprise society.

OBJECTIVE 6: Qualified and highly effective personnel will be recruited, developed, and retained.

OBJECTIVE 7: Texas students will demonstrate exemplary performance in comparison to national and international standards.

OBJECTIVE 8: School campuses will maintain a safe and disciplined environment conducive to student learning.

OBJECTIVE 9: Educators will keep abreast of the development of creative and innovative techniques in instruction and administration using those techniques as appropriate to improve student learning.

OBJECTIVE 10: Technology will be implemented and used to increase the effectiveness of student learning, instructional management, staff development, and administration.

The academic goals of public education are to serve as a foundation for a well-balanced and appropriate education. The students in the public education system will demonstrate exemplary performance in:

GOAL 1: The reading and writing of the English language.

GOAL 2: The understanding of mathematics.

GOAL 3: The understanding of science.

GOAL 4: The understanding of social studies.

## **Board of Trustees**

*Policies BA, BB series, BD series, and BE series*

Texas law grants the board of trustees the power to govern and oversee the management of the district's schools. The board is the policy-making body within the district and has overall responsibility for the curriculum, school taxes, annual budget, employment of the superintendent and other professional staff, and facilities. The board has complete and final control over school matters within limits established by state and federal laws and regulations.

The board of trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Board members are elected and serve three-year terms. Board members serve without compensation, must be qualified voters, and must reside in the district.

Current board members include:

- Lynn Moore
- Jamie Dawson
- Bobby Brashears
- Jared Lostracco
- David Gresham
- Joseph Owens
- 

The board usually meets every third Monday of each month at 7:00pm. In the event that large attendance is anticipated, the board may meet at the CISD Auditorium. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district website and the office door of the Administration building at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a one-hour notice.

All meetings are open to the public. In certain circumstances, Texas law permits the board to go into a closed session from which the public and others are excluded. Closed session may occur for such things as discussing prospective gifts or donations, real-property acquisition, certain personnel matters including employee complaints, security matters, student discipline, or consulting with attorneys regarding pending litigation.

## **Administration**

Martha Lee, Interim Superintendent

Cristin Crofford, Business Manager

Tammy Smith, PEIMS

Casey Copeland, Technology

Davis Ross, Chief of Police

Gina Gresham, Counselor

Andy Gresham, Maintenance & Transportation

Shane Smelley, JH/HS Principal

Brandy Davis, JH/HS Secretary

Stefani Jackson, Elementary Principal

Starla Ivy, Elementary Secretary

Brenda Marshall, Cafeteria Director

## **School Calendar**

Please visit [www.cushingisd.org](http://www.cushingisd.org) to access the school calendar.

## **Helpful Contacts**

From time to time, employees have questions or concerns. If those questions or concerns cannot be answered by supervisors or at the campus or department level, the employee is encouraged to contact the appropriate department as listed below.

Martha Lee, Interim Superintendent  
mlee@cushingisd.org  
(936) 326-4890

# Employment

## Equal Employment Opportunity

*Policies DAA, DIA*

In its efforts to promote nondiscrimination and as required by law, Cushing ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, disability, military status, genetic information, or on any other basis prohibited by law. Additionally, the district does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

In accordance with Title IX, the district does not discriminate on the basis of sex and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends to employment. Inquiries about the application of Title IX may be referred to the district's Title IX coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The district designates and authorizes the following employee as the Title IX coordinator for employees to address concerns or inquiries regarding discrimination based on sex, including sexual harassment: *Michael Davis, Superintendent, 1088 W Bearkat Drive, Cushing, Texas 75760, mdavis@cushingisd.org, (936) 326-4890*. Reports can be made at any time and by any person, including during non-business hours, by mail, email, or phone. During district business hours, reports may also be made in person.

The district designates and authorizes the following employee as the ADA/Section 504 coordinator for employees for concerns regarding discrimination on the basis of a disability: *Michael Davis, Superintendent, 1088 W Bearkat Drive, Cushing, Texas 75760, mdavis@cushingisd.org, (936) 326-4890*.

Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

## Job Vacancy Announcements

*Policy DC*

Announcements of job vacancies by position and location are posted on a regular basis to the district's website.

## **Employment after Retirement**

### *Policy DC*

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed under certain circumstances on a full- or part-time basis without affecting their benefits, according to TRS rules and state law. Detailed information about employment after retirement is available in the TRS publication *Employment after Retirement*. Employees can contact TRS for additional information by calling 800-223-8778 or 512-542-6400. Information is also available on the TRS Website ([www.trs.texas.gov](http://www.trs.texas.gov)).

## **Contract and Noncontract Employment**

### *Policy DC series*

State law requires the district to employ all full-time professional employees in positions requiring a certificate from the State Board for Educator Certification (SBEC) and nurses under probationary, term, or continuing contracts. Employees in all other positions are employed at-will or by a contract that is not subject to the procedures for nonrenewal or termination under Chapter 21 of the Texas Education Code. The paragraphs that follow provide a general description of the employment arrangements used by the district.

**Probationary Contracts.** Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive a probationary contract during their first year of employment. Former employees who are hired after a two-year lapse in district employment or employees who move to a position requiring a new class of certification may also be employed by probationary contract. Probationary contracts are one-year contracts. The probationary period for those who have been employed as a teacher in public education for at least five of the eight years preceding employment with the district may not exceed one school year.

For those with less experience, the probationary period will be three school years (i.e., three one-year contracts) with an optional fourth school year if the board determines it is doubtful whether a term or continuing contract should be given.

**Term Contracts.** Full-time professionals employed in positions requiring certification and nurses will be employed by term contracts after they have successfully completed the probationary period. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract. Employment policies can be accessed online or copies will be provided upon request.

**Noncertified Professional and Administrative Employees.** Employees in professional and administrative positions that do not require SBEC certification (such as non-instructional administrators) are employed by a one-year contract that is not subject to the provisions for nonrenewal or termination under the Texas Education Code.

**Paraprofessional and Auxiliary Employees.** All paraprofessional and auxiliary employees, regardless of certification, are employed at will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

## **Certification and Licenses**

*Policies DBA, DF*

Professional employees whose positions require SBEC certification or a professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to Human Resources in a timely manner. Employees licensed by the Texas Department of Licensing and Regulations (TDLR) must notify Human Resources when there is action against, or revocation of, their license.

A certified employee's contract may be voided without Chapter 21 due process and employment terminated if the individual does not hold a valid certificate or fails to fulfill the requirements necessary to renew or extend a temporary certificate, emergency certificate, probationary certificate, or permit. A contract may also be voided if SBEC suspends or revokes certification because of an individual's failure to comply with criminal history background checks. Contact the Superintendent if you have any questions regarding certification or licensure requirements.

## **Recertification of Employment Authorization**

*Policy DC*

At the time of hire all employees must complete the Employment Eligibility Verification Form (Form I-9) and present documents to verify identity and employment authorization.

Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact Human Resources if you have any questions regarding reverification of employment authorization.

## **Searches and Alcohol and Drug Testing**

*Policy CQ, DHE*

Non-investigatory searches in the workplace including accessing an employee's desk, file cabinets, or work area to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the district reserves the right to

conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if the suspected violation relates to drug or alcohol use. The district may search the employee, the employee's personal items, and work areas including district-owned technology resources, lockers, and private vehicles parked on district premises or work sites or used in district business.

**Employees Required to Have a Commercial Driver's License.** Any employee whose duties require a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people counting the driver, drivers of large vehicles, or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements if their duties include driving a commercial motor vehicle.

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when reasonable suspicion exists, at random, when an employee returns to duty after engaging in prohibited conduct, and as a follow-up measure. Testing may be conducted following accidents. Return-to-duty and follow-up testing will be conducted if an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs is allowed to return to duty.

All employees required to have a CDL or who otherwise are subject to alcohol and drug testing will receive a copy of the district's policy, the testing requirements, and detailed information on alcohol and drug abuse and the availability of assistance programs.

Employees with questions or concerns relating to alcohol and drug testing policies and related educational material should contact the Superintendent.

## **Health Safety Training**

### *Policies DBA, DMA*

Certain employees who are involved in physical activities for students must maintain and submit to the district proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), concussion, and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to Human Resources by the third Monday in September.

School nurses and employees with regular contact with students must complete a Texas Education Agency approved, online training regarding seizure disorder awareness, recognition, and related first aid.

## **Reassignments and Transfers**

### *Policy DK*

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Campus reassignments must be approved by the Campus Principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

An employee with the required qualifications for a position may request a transfer to another campus or department. A written request for transfer must be completed and signed by the employee and the employee's supervisor. A teacher requesting a transfer to another campus before the school year begins must submit his or her request by April 1st. Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the Administration office and must be approved by the receiving supervisor.

## **Workload and Work Schedules**

### *Policies DEAB, DK, DL*

**Professional Employees.** Professional employees and academic administrators are exempt from overtime pay and are employed on a 10-, 11-, or 12-month basis, according to the work schedules set by the district. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules including start and end dates and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes within the instructional day. Teachers and librarians are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers to supervise students during lunch one day a week when no other personnel are available.

**Paraprofessional and Auxiliary Employees.** Support employees are employed at will and receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. See Overtime Compensation section for additional information.

## **Breaks for Expression of Breast Milk**

*Policies DEAB, DG*

The district supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For nonexempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.

## **Notification to Parents Regarding Qualifications**

*Policies DK, DBA*

In schools receiving Title I funds, the district is required by the Every Student Succeeds Act (ESSA) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. ESSA also requires that parents be notified if their child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements.

Texas law requires that parents be notified if their child is assigned for more than 30 consecutive instructional days to a teacher who does not hold an appropriate teaching certificate. This notice is not required if parental notice under ESSA is sent. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) and individuals who do not hold any certificate or permit. Information relating to teacher certification will be made available to the public upon request. Employees who have questions about their certification status can call Human Resources.

## **Outside Employment and Tutoring**

*Policy DBD*

Employees are required to disclose in writing to their immediate supervisor any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or the best interest of the district. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest.

## **Performance Evaluation**

*Policy DN series*

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the district. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation.

Upon receiving a report, a nursing review committee may review a nurse's nursing services, qualifications, and quality of patient care, as well as the merits of a complaint concerning a nurse, and a determination or recommendation regarding a complaint. A nurse may request, orally or in writing, a determination by the committee regarding conduct requested of the nurse believed to violate the nurse's duty to a patient.

## **Employee Involvement**

*Policies BQA, BQB*

At both the campus and district levels, Cushing ISD offers opportunities for input in matters that affect employees and influence the instructional effectiveness of the district. As part of the district's planning and decision-making process, employees are elected to serve on district- or campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office or from the Campus Principal.

## **Staff Development**

*Policy DMA*

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel is predominantly campus-based, related to achieving campus performance objectives, addressed in the campus improvement plan, and approved by a campus-level advisory committee. Staff development for non-instructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development.

Individuals holding renewable SBEC certificates are responsible for obtaining the required training hours and maintaining appropriate documentation.

# Compensation and Benefits

## Salaries, Wages, and Stipends

*Policies DEA, DEAA, DEAB*

Employees are paid in accordance with administrative guidelines and an established pay structure. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek. (See the *Overtime Compensation* page)

All employees will receive written notice of their pay and work schedules before the start of each school year. Classroom teachers, full-time librarians, full-time nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district's extra-duty pay schedule.

Employees should contact Human Resources for more information about the district's pay schedules or their own pay.

## Paychecks

All professional and salaried employees are paid monthly. Hourly employees are paid every two weeks. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization.

The schedule of pay dates for the 2020-2021 school year follows:

***15<sup>th</sup> day of each month, unless it falls on a weekend, then it will be the previous Friday***

## Automatic Payroll Deposit

Employees can have their paychecks electronically deposited into a designated account. A notification period of 1 month is necessary to activate this service. Contact Human Resources for more information about the automatic payroll deposit service.

## **Payroll Deductions**

### *Policy CFEA*

The district is required to make the following automatic payroll deductions:

- Teacher Retirement System of Texas (TRS) or Social Security employee contributions
- Federal income tax required for all full-time employees
- Medicare tax (applicable only to employees hired after March 31, 1986)
- Child support and spousal maintenance, if applicable
- Delinquent federal education loan payments, if applicable

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; annuities; and higher education savings plans or prepaid tuition programs. Employees also may request payroll deduction for payment of membership dues to professional organizations and certain charitable contributions approved by the Board. Salary deductions are automatically made for unauthorized or unpaid leave.

## **Overtime Compensation**

### *Policies DEAB, DEC*

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt employees (hourly employees and paraprofessional employees) are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. For the purpose of calculating overtime, a workweek begins at 12:00AM Sunday and ends at 11:59pm Saturday.

Nonexempt employees that are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours.

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

- Employees can accumulate up to 60 hours of comp time.

- Comp time must be used in the duty year that it is earned.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.
- An employee is required to use comp time before using available paid leave (e.g., sick, personal, vacation).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## **Travel Expense Reimbursement**

### *Policy DEE*

Before any travel expenses are incurred by an employee, the employee's supervisor and Superintendent must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the district. Employees must submit receipts, to the extent possible, to be reimbursed for allowable expenses other than mileage.

## **Health, Dental, and Life Insurance**

### *Policy CRD*

Group health insurance coverage is provided through TRS-ActiveCare, the statewide public school employee health insurance program. The district's contribution to employee insurance premiums is determined annually by the board of trustees. Employees eligible for health insurance coverage include the following:

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are employed for 10 or more regularly scheduled hours per week

TRS retirees who are enrolled in TRS-Care (retiree health insurance program) are not eligible to participate in TRS-ActiveCare.

The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each year or when they experience a qualifying event (e.g., marriage, divorce, birth). Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact Jillian Warren for more information. Contact Info to follow:

## **Jillian Warren**

11811 NORTH FREEWAY, STE. 900, HOUSTON, TX 77060

OFFICE: 800-523-8422 | CELL: 832-853-5523 | EMAIL: Jillian.Warren@FFGA.COM

### **Supplemental Insurance Benefits**

#### *Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs. Premiums for these programs can be paid by payroll deduction. Employees should contact Human Resources for more information.

### **Cafeteria Plan Benefits (Section 125)**

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., disability, accidental death and dismemberment, cancer and dread disease, dental, and additional term life insurance). A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

### **Workers' Compensation Insurance**

#### *Policy CRE*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to Human Resources. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. See *Workers' Compensation Benefits*, page for information on use of paid leave for such absences.

## **Unemployment Compensation Insurance**

### *Policy CRF*

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact Human Resources.

## **Teacher Retirement**

All personnel employed on a regular basis for at least four and one-half months are members of the Teacher Retirement System of Texas (TRS). Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are eligible to purchase a year of creditable service in TRS. TRS provides members with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

Employees who plan to retire under TRS should notify Human Resources as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the web ([www.trs.texas.gov](http://www.trs.texas.gov)).

# Leaves and Absences

## *Policies DEC, DECA, DECB*

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who expect to be absent for an extended period of more than five days should call Human Resources for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

Paid leave must be used in whole or half increments. Earned comp time must be used before any available paid state and local leave. Unless an employee requests a different order, available paid state and local leave will be used in the following order:

- State Sick Leave accumulated before the 1995-1996 school year
- State Personal Leave

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification. Any unapproved absences or absences beyond accumulated or available paid leave shall result in deduction from the employee's pay.

**Immediate Family.** For purposes of leave other than family and medical leave, immediate family is defined as the following:

- Spouse
- Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis.
- Parent, stepparent, parent-in-law, or other individual who stands in loco parentis to the employee.
- Sibling, stepsibling, and sibling-in-law
- Grandparent and grandchild
- Any person residing in the employee's household at the time of illness or death

For purposes of family and medical leave, the definition of family is limited to spouse, parent, son or daughter, and next of kin. The definition of these are found in Policy DECA (LEGAL).

**Medical Certification.** Any employee, who is absent more than 3 days because of a personal or family illness, must submit a medical certification from a qualified health care provider

confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employee’s fitness to return to work.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits covered employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that employees and health care providers do not provide any genetic information in any medical certification. ‘Genetic information,’ as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member, or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Continuation of Health Insurance.** Employees, on an approved leave of absence other than family and medical leave, may continue their insurance benefits at their own expense. Health insurance benefits for employees on paid leave and leave designated under the Family and Medical Leave Act will be paid by the district as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave.

Under TRS-Active Care rules, an employee is no longer eligible for insurance through the district after six months of unpaid leave other than FML. If an employee’s unpaid leave extends for more than six months, the district will provide the employee with notice of COBRA rights.

## **Personal Leave**

State law entitles all employees to five days of paid personal leave per year. Personal leave is available for use at the beginning of the year. A day of personal leave is equivalent to the number of hours per day in an employee’s usual assignment, whether full-time or part-time. State personal leave accumulates without limit, is transferable to other Texas school districts, and generally transfers to education service centers. Personal leave may be used for two general purposes: nondiscretionary and discretionary.

**Nondiscretionary.** Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered nondiscretionary leave. Reasons for this type of leave allow very little, if any, advance planning. Nondiscretionary may be used in the same manner as state sick leave.

**Discretionary.** Leave taken at an employee’s discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her Campus Principal or supervisor 10 days in advance of the anticipated absence. The effect of the employee’s absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the Campus Principal or supervisor.

**Leave Proration.** If an employee separates from employment with the district before his or her last duty day of the year, or begins employment after the first duty day, state personal leave will be prorated based on the actual time employed. When an employee separates from employment before the last duty day of the school year, the employee's final paycheck will be reduced by the amount of state personal leave the employee used beyond his or her pro rata entitlement for the school year.

## **State Sick Leave**

State sick leave accumulated before 1995 is available for use and may be transferred to other school districts in Texas.

State sick leave may be used for the following reasons only:

- Employee illness
- Illness in the employee's immediate family
- Family emergency (i.e., natural disasters or life-threatening situations)
- Death in the immediate family
- Active military service

## **Local Leave**

All employees shall earn three workdays of local leave per school year in accordance with administrative regulations.

- Local leave shall be non-cumulative.
- Local leave shall be used according to the terms and conditions of state personal leave.
- Local level shall be used in whole increments only

For local personal leave, the employee will pay:

- Certified local leave - \$75
- Non Certified local leave - \$50

## **Sick Leave Bank (or Pool)**

### **Local Sick Leave Pool Program – General Provisions**

A response is necessary only if an employee wishes to join. I have read the Cushing Independent School District Sick Leave Bank Guidelines and desire to participate by donating to the Bank one (1) of my accumulated, or to be earned this school year, local sick leave days. I understand that this one (1) day, once donated to the Bank in order to qualify my membership into the Bank, will be subtracted from my accumulated, or to be accumulated this year, local sick leave days available. All donations to the Bank become the property of the Cushing ISD Sick Leave Bank and cannot be returned, even upon cancellation of my membership with the Bank.

My authorization to donate one (1) local sick leave day to the Cushing ISD Sick Leave Bank and deduct one (1) day from my accumulated sick leave is verified by my signature and the information below.

Employee Name: \_\_\_\_\_

(Please print full name)

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Position/Assignment: \_\_\_\_\_

Campus: \_\_\_\_\_

Date Employed by Cushing ISD:

\_\_\_\_\_

Number of years employed by Cushing ISD:

\_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date of Application: \_\_\_\_\_

**Special Note: Applications must be received in the office of the Superintendent.**

## CUSHING INDEPENDENT SCHOOL DISTRICT EMPLOYEE SICK LEAVE BANK

(Revised July 18, 2012)

### FREQUENTLY ASKED QUESTIONS REGARDING THE SICK LEAVE BANK

#### **1. WHAT IS THE EMPLOYEE SICK LEAVE BANK?**

It is a bank or pool of sick leave days established for Cushing ISD employees who contribute one accumulated local sick leave day to be used by any member of the bank in the event of an unexpected critical illness, surgery, or a temporary disability due to an injury which extends at least five days beyond their own accumulated sick leave, personal leave, vacation days and sub-dock days.

#### **2. WHO IS ELIGIBLE?**

All full-time employees who are employed by Cushing ISD and have joined the sick leave bank on or before the second Monday in September are eligible. Conditions known to exist by the employee on or before the date of joining the Sick Leave Bank will not be covered until one year from the date of initial enrollment.

#### **3. HOW MANY SICK LEAVE DAYS MUST I CONTRIBUTE TO JOIN THE BANK?**

For initial membership, one (1) day of local sick leave is contributed. To maintain membership an employee's contribution will be one (1) day of local sick leave per year. The annual rate of contribution for future years shall be determined and announced prior to the second Monday of September each year based on the District's needs.

#### **4. IS MEMBERSHIP REQUIRED?**

No. It is entirely voluntary.

**5. CAN I CANCEL MY MEMBERSHIP IN THE BANK?**

Yes, anytime, but it must be in writing and any days contributed will remain in the bank.

**6. WHAT IS A QUALIFYING “UNEXPECTED CRITICAL ILLNESS” AND WHO DECIDES?**

This is a bank member’s own personal illness or immediate family (spouse; son or daughter, including a biological, adopted, foster child, or legal ward; parent or legal guardian), verified by a physician and approved by a seven (7) member Governing Committee made up of teachers, administrators, and auxiliary employees. Normal pregnancy and delivery does not qualify.

**7. HOW DO I JOIN?**

If you are interested in joining the bank, please complete the 2015-2016 membership application form and return it to your campus principal or department supervisor on or before September 4. All application forms must be in the office of the Superintendent no later than September 4. Copies of the complete Sick Leave Bank Guidelines are available in the school campus office, department supervisor’s office, or the Superintendent or on the District web-site at [www.cushingisd.org](http://www.cushingisd.org). If you have additional questions, please call Michael Davis, Superintendent at 936-326-4890.

**CUSHING INDEPENDENT SCHOOL DISTRICT EMPLOYEE SICK LEAVE BANK GUIDELINES**

**PURPOSE**

The purpose of the Sick Leave Bank is to provide additional sick leave days to members of the Bank in the event of an unexpected extended critical illness, surgery, or a temporary disability due to an injury. Days may be requested from the Bank only after the member has exhausted all accumulated state and local leave days, sub-dock days, vacation days, or any other type of available leave.

**DEFINITIONS**

1. Full-Time Employee: one who is in a position that is scheduled for 187 days per school year and working at least four (4) hours daily. Note: Any reduction of scheduled hours below this amount will make the employee immediately ineligible for current or continuing membership.
2. Qualifying “Unexpected Critical Illness:” bank members own personal illness or immediate family (spouse; son or daughter, including a biological, adopted, foster child, or legal ward; parent or legal guardian), verified by a physician and approved by a seven (7) member Governing Committee made up of teachers, administrators, and auxiliary employees Note: Normal pregnancy and delivery does not qualify, nor does the illness of the contributor’s family that caused the employee to remain away from his/her position.
3. Sick Leave Days from the Bank: days granted to a member who through an unexpected extended critical illness, surgery, injury or other temporary disability due to an injury is unable to perform the duties of his/her position.

**MEMBERSHIP**

1. All full-time employees of the Cushing Independent School District who are eligible for sick leave benefits and employed by the district are eligible for membership. Employees who work less than full-time shall be eligible only if they receive local sick leave benefits. Participation is voluntary, but requires contribution to the bank. Only contributors will be permitted to use the Bank for payment for qualifying extended illness during regularly scheduled duty days, and beyond all available sick leave, personal leave, vacation leave, sub-dock leave, or any other type of available leave.
2. To become a member of the Cushing ISD Sick Leave Bank, an employee must contribute one (1) day from his/her accumulated or anticipated local sick leave for the current school year. This day will be subtracted from the member's local sick leave record and becomes the property of the Cushing ISD Sick Leave Bank.
3. Rate of contribution for the future years shall be determined by the Sick Leave Bank Governing Committee and announced prior to the acceptance of contributions for each year.
4. The contribution on the appropriate form will be authorized by the employee and membership will continue from year to year until cancelled in writing by the Bank member. Sick leave properly authorized for contribution to the Bank will not be returned if the Bank member elects to cancel. Cancellation may be effected at any time by an employee and the employee shall not be eligible to use the Bank as of the effective cancellation date.
5. Contributions shall be made by the second working Monday in September of the new school year. Eligible employees who do not elect to join the Sick Leave Bank within the enrollment period will not be permitted to join the Bank until the subsequent annual open enrollment period.
6. Only accumulated or anticipated local sick leave may be contributed to the Sick Leave Bank. No Bank member shall be required, for purposes of maintaining status in the Sick Leave Bank, to contribute more sick leave days than other members.
7. A member of the Sick Leave Bank will lose the right to use the benefits of the Bank by:
  - a. Termination of employment with Cushing ISD.
  - b. Suspension without pay during the period of suspension.
  - c. Being on approved leave of absence.
  - d. A member's voluntary cancellation of his/her membership in the Bank.
  - e. Having already been granted days for illnesses related to alcohol and/or other chemical substance dependency.
  - f. Any abuse or misuse of the rules of the Sick Leave Bank.
8. Personnel who terminate their employment with the District that results in a break in service forfeit membership in the Bank at the effective date of termination. If the employee wishes to regain membership in the Bank upon his/her return to the District, the open enrollment and eligibility rules will be in effect.

#### **IV. SICK LEAVE BANK GOVERNING COMMITTEE**

1. The governing committee, which will approve or disapprove all requests for sick leave bank days, shall be called the Cushing Independent School District Governing Committee. Hereafter referred to as "Committee." The Committee is empowered to call an election of the membership and offer any amendments to this charter for approval by a vote of the membership.
2. The Superintendent shall be the chairperson of the Committee. The chairperson shall not be a voting member of the governing committee except in the event of a tie vote.
3. Members of the Committee must have been employed by the school district for at least two (2) years prior to election.
4. Members of the Committee shall be elected from:
  - a. One representative from Cushing Administration (professional staff).
  - b. One representative from Cushing Elementary (professional staff).
  - c. One representative from Cushing JH (professional staff).
  - d. One representative from Cushing High School (professional staff).
  - e. One representative from the Cushing Elementary Paraprofessionals.
  - f. One representative from the Secondary School Paraprofessionals.
  - g. One representative from Support Staff (custodial/grounds, food service, maintenance, technology, or transportation).
5. The term of office will be two (2) years, with initial members drawing lots for one or two year terms in order to establish staggered terms. The term of office shall run from June 1 to May 31. A member may serve a maximum of two (2) consecutive terms.
6. Elections will be held on the first Monday in May. Only members of the Cushing ISD Sick Leave Bank are eligible to vote.
7. Each campus is responsible for the election of its representative.
8. At the first meeting of the year for the newly elected governing committee, the Committee shall elect from its group a secretary.
9. The respective campus shall fill vacancies on the Committee that arise during the school year.
10. The Committee in a called meeting shall review all applications for Sick Leave Bank days individually. A quorum shall consist of at least six (4) members.
11. A member may be requested to appear before the Committee to substantiate his/her case.
12. The Committee shall determine the number of days approved up to thirty (30) and reserves the right to approve, disapprove, or modify the days requested.
13. The Committee will review and forward to the Superintendent its decision on all requests to draw on the Sick Leave Bank within fifteen (15) working days after such request is received.
14. The Committee may refuse to consider an application that does not contain the required information.
15. The decision of the Governing Committee is final.
16. The Superintendent shall serve as the Cushing ISD Sick Leave Bank Chairperson and process all approved sick leave days for members to the Human Resources Department.

## **V. USE OF BANK**

1. Use of the Sick Leave Bank will be limited to the number of days in the Bank on the established contribution deadline of each year.
2. Conditions known to exist by the employee on or before the date of joining the Sick Leave Bank will not be covered under provision of the Sick Leave Bank until one year from the date of the employee's initial enrollment.
3. A member requesting use of the Sick Leave Bank will sign a statement attesting to the fact that the condition, which necessitated the request for days from the Bank, was unknown to the employee at the time he/she became a member of the Bank. A doctor's verification will also be required.
4. The maximum number of duty days that can be granted in any one-contract year will be thirty (30) days. The minimum request will be five (5) days. Sick Leave Bank days shall be granted only for absences from working days and will not be granted for holidays, vacation days or other such days for which the member is not paid.
5. Members must use all available sick leave, personal leave, and accrued vacation leave (if applicable), sub-dock, or any other type of available leave before receiving days from the Bank. A member who suffers a qualifying extended illness, which extends at least five days beyond the available leave, may apply for a grant from the Sick Leave Bank on the appropriate form.
6. If a Bank member does not use all of the days granted from the Bank, the unused Sick Leave Bank days will be returned to the Bank.
7. The Sick Leave Bank may only be used for the contributor's own personal illness or immediate family (spouse; son or daughter, including a biological, adopted, foster child, or legal ward; parent or legal guardian).
7. Leave from the Bank may not be used for disabilities that qualify the member for Workers' Compensation benefits.
8. A severe illness may require intermittent usage of the Bank. Each separate application for a grant from the Bank must include a new physician's statement on the appropriate Sick Leave Bank form.
9. Applicants may submit requests for extension of Bank leave grants before their prior grants expire. (Use the regular Sick Leave Bank Request Form accompanied by the signed Physician's Statement Form).
10. Normal pregnancy with normal delivery will not be covered under this Sick Leave Bank policy. Any absences associated with complicated pregnancies will only be eligible for Sick Leave Bank consideration according to the following guidelines:
  - a. Any days absent prior to the birth with a doctor's note verifying the complicating condition and the need to be off work will be eligible for consideration.
  - b. Any days beyond six weeks after the birth with a doctor's note verifying the complicating condition and the need to be off work will be eligible for consideration.
  - c. Employees who had sick leave days accumulated for the pregnancy but were required to use them under guideline (a) may ask for an equal number of days from the Bank not to exceed thirty (30) days.
12. All requests to draw upon the Bank must be made upon a Sick Leave Bank Request Form and submitted to the Committee within thirty (30) calendar days of the date first eligible for a grant.
13. All requests to draw upon the Bank must be accompanied by the Sick Leave Bank Physician's Statement confirming the cause of illness or confinement and certifying the existence of a disability to perform assigned duties. The employee's physician must personally sign the form. The Committee will

not honor any physician's statement unless it is on the official Sick Leave Bank Physician's Statement Form.

14. The Committee reserves the right to ask the applicant to undergo a medical review by a second opinion physician. This physician's report is to be sent directly to the office of the Assistant Superintendent to be submitted to members of the Committee for action.

15. In case a contributor's incapacity is of such a nature that he/she cannot personally apply for a grant, his/her application may be submitted to the Committee by his/her agent or member of his/her family on his/her behalf.

## **VI. FORMS and RECORD KEEPING**

1. All forms (Sick Leave Bank Membership Application, Sick Leave Bank Request Form, and Physician's Statement Form) shall be available in the office of the Assistant Superintendent and shall be sent to any employee at his/her request.

2. Copies of all completed forms shall be kept on file in the District files of the Sick Leave Bank in the office of the Superintendent.

a. Sick Leave Bank Membership Applications shall be checked for qualifications (full-time) employee, employed by the District for a year). The employee will be notified if qualifications are not met.

b. The Superintendent will notify members who request a grant from the Bank of approval or denial.

c. Membership cancellations will be acknowledged in writing before information is filed.

3. The Superintendent shall maintain all records regarding operation of the Bank and will function as the Committee representative. A report on the status of the Sick Leave Bank will be made at any time at the request of the Committee.

These guidelines may be amended upon recommendation of the Governing Committee followed by approval of the Superintendent of the Cushing Independent School District.

Procedures for deciding any questions not covered herein: Any questions concerning membership, regulations or application for sick leave days that may arise after adoption of this plan and not specifically covered herein, shall be submitted to the Committee who will make a recommendation to the Superintendent of Schools for a final decision.

# Cushing Independent School District

## SICK LEAVE BANK – REQUEST FORM

Employee Request # \_\_\_\_\_

Please attach the CISD Sick Leave Bank Physicians Statement Form and Forward All Copies to the Office of the Superintendent.

SCHOOL \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

SOCIAL SECURITY # \_\_\_\_\_ PHONE \_\_\_\_\_

NUMBER OF DAYS REQUESTING FROM BANK \_\_\_\_\_ (30 days maximum, 5 days minimum)

NATURE OF DISABILITY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby authorize the CISD to release information from my personnel file regarding my medical history, doctor's records and/or letter, and use of sick leave in order that the Sick leave Bank Committee can determine if I am eligible for leave days from the Sick Leave Bank. I understand the Sick Leave Policy and that the Committee decision is final. I also affirm that at the time I joined the Sick Leave Bank I was unaware of the condition for which I am requesting days.

EMPLOYEE'S SIGNATURE (FAMILY MEMBER/AGENT) VERIFICATION OF ABSENCE:

DATE:

COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LAST DAY AT WORK: \_\_\_\_\_

SIGNATURE OF IMMEDIATE SUPERVISOR:

DATE:

SICK LEAVE BANK COMMITTEE (OFFICE USE ONLY)

Request Approved: \_\_\_\_ Yes \_\_\_\_ No

\_\_\_\_\_

# Cushing Independent School District

TO BE COMPLETED BY PATIENT/EMPLOYEE AND RETURNED

## Employee Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

CISD Job Description: Administrator [ ] Teacher [ ] Clerical [ ] Teacher Asst. [ ] Custodial [ ]  
Food Service [ ] Grounds [ ] Maintenance [ ] Transportation [ ]

I authorize the release of my medical information to the Cushing ISD Sick Leave Bank Committee by signing below:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**TO BE COMPLETED BY PHYSICIAN:** The medical diagnosis of the condition(s) causing total disability is (please be specific and also state the date of surgery if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROGNOSIS: The patient should be able to return to work no later than:

\_\_\_\_\_

The Patient should be unable to work from \_\_\_\_\_ to \_\_\_\_\_

Physician's Name (Please Print) \_\_\_\_\_

PHYSICIAN'S SIGNATURE (NO RUBBER STAMP PLEASE) \_\_\_\_\_

DATE \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone Number \_\_\_\_\_

**PLEASE RETURN TO PATIENT FOR SUBMISSION WITH SICK LEAVE BANK REQUEST FORM**

*CISD employee or family member should return the Physician's Statement and the Sick Leave Bank Request Form to Mr. Michael Davis, Superintendent, for processing.*

## **Family and Medical Leave Act (FMLA)—General Provisions**

The following text is from the federal notice, *Employee Rights and Responsibilities Under the Family and Medical Leave Act*. Specific information that the district has adopted to implement the FMLA follows this general notice.

### **Leave Entitlements**

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

### **Benefits and Protections**

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

### **Eligibility Requirements**

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special hours of service eligibility requirements apply to airline flight crew employees.

### **Requesting Leave**

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection.

Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

### **Employer Responsibilities**

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

### **Enforcement**

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[www.wagehour.dol.gov](http://www.wagehour.dol.gov)

## **Local Procedures for Implementing Family and Medical Leave Provisions**

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period beginning on the first duty day of the school year.

**Use of Paid Leave.** FML runs concurrently with accrued sick and personal leave, temporary disability leave, compensatory time, assault leave, and absences due to a work-related illness or injury. The district will designate the leave as FML, if applicable, and notify the employee that accumulated leave will run concurrently.

**Combined Leave for Spouses.** Spouses who are employed by the district are limited to a combined total of 12 weeks of FML to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

**Intermittent Leave.** When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The district does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

**Fitness for Duty.** An employee that takes FML due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. When leave is taken for the employee's own serious health condition, the certification must address the employee's ability to perform essential job function is required, the district shall provide a list of essential job functions (e.g., job description) to the employee

with the FML designation notice to share with the health care provider. Fitness for duty is not required when an employee returns to work following leave to care for a family member with a serious health condition; to care for a child following birth, adoption, or foster care placement; or for qualifying exigency leave.

**Reinstatement.** An employee returning to work at the end of FML will be returned to the same position held when the leave began or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

In certain cases, instructional employees desiring to return to work at or near the conclusion of a semester may be required to continue on family and medical leave until the end of the semester. The additional time off is not counted against the employee's FML entitlement, and the district will maintain the employees group health insurance and reinstate the employee at the end of the leave according the procedures outlined in policy (see DECA (LEGAL)).

**Failure to Return.** If, at the expiration of FML, the employee is able to return to work but chooses not to do so, the district may require the employee to reimburse the district's share of insurance premiums paid during any portion of FML when the employee was on unpaid leave. If the employee fails to return to work for a reason beyond the employee's control, such as a continuing personal or family serious health condition or a spouse being unexpectedly transferred more than 75 miles from the district, the district may not require the employee to reimburse the district's share of premiums paid.

**District Contact.** Employees that require FML or have questions should contact Human Resources for details on eligibility, requirements, and limitations.

## Temporary Disability Leave

**Certified Employees.** Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. An employee's notification of need for extended absence due to the employee's own medical condition shall be accepted as a request for temporary disability leave. The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 calendar days.

If an employee is placed on temporary disability leave involuntarily, he or she has the right to request a hearing before the board of trustees. The employee may protest the action and present additional evidence of fitness to work.

When an employee is ready to return to work, the Campus Principal or direct supervisor should be notified at least 30 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties. Certified employees returning from leave will be reinstated to the school to which they were previously assigned if an appropriate position is available. If an appropriate position is not available, the employee may be assigned to another campus, subject to the approval of the Campus Principal. If a position is not available before the end of the school year, the employee will be reinstated to a position at the original campus at the beginning of the following school year.

## **Workers' Compensation Benefits**

An employee absent from duty because of a job-related illness or injury may be eligible for workers' compensation weekly income benefits if the absence exceeds seven calendar days.

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or -injury wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal his or her pre-illness or -injury wage.

## **Assault Leave**

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An incident involving an assault is a work-related injury and should be immediately reported to Human Resources.

An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person non-responsible for purposes of criminal liability.

An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained. At the request of an employee, the district will immediately assign the employee to assault leave. Days of leave granted under the assault leave provision will not be deducted from accrued personal

leave and must be coordinated with workers' compensation benefits. Upon investigation the district may change the assault leave status and charge leave used against the employee's accrued paid leave. The employee's pay will be deducted if accrued paid leave is not available.

## **Jury Duty**

*Policies DEC, DG*

The district provides paid leave to employees who are summoned to jury duty including service on a grand jury. The district will not discharge, threaten to discharge, intimidate, or coerce any regular employee because of juror or grand juror service or for the employee's attendance or scheduled attendance in connection with the service in any court in the United States. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and may be required to provide the district a copy of the summons to document the need for leave.

An employee may be required to report back to work as soon as they are released from jury duty. The supervisor may consider the travel time required and the nature of the individual's position when determining the need to report to work. A copy of the release from jury duty or documentation of time spent at the court may be required.

## **Compliance with a Subpoena**

Employees will be paid while on leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding and will not be required to use personal leave. Employees may be required to submit documentation of their need for leave for court appearances.

## **Truancy Court Appearances**

An employee who is a parent, guardian of a child, or a court-appointed guardian ad litem of a child who is required to miss work to attend a truancy court hearing may use personal leave or compensatory time for the absence. Employees who do not have paid leave available will be docked for any absence required because of the court appearance.

## **Religious Observance**

The district will reasonably accommodate an employee's request for absence for a religious holiday or observance. Accommodations such as changes to work schedules or approving a day of absence will be made unless they pose an undue hardship to the district. The employee may use any accumulated personal leave for this purpose. Employees who have exhausted applicable paid leave may be granted an unpaid day of absence.

## **Military Leave**

**Paid Leave for Military Service.** Any employee who is a member of the Texas National Guard, Texas State Guard, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled 15 days of paid leave per fiscal year when engaged in authorized training or duty ordered by proper authority. An additional seven days of leave per fiscal year are available if called to state active duty in response to a disaster. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

**Reemployment after Military Leave.** Employees who leave the district to enter into the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed provided they can be qualified to perform the required duties. Employees returning to work following military leave should contact the Campus Principal or direct supervisor. In most cases, the length of federal military service cannot exceed five years.

**Continuation of Health Insurance.** Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact Human Resources for details on eligibility, requirements, and limitations.

## **Leave for Peace Officers**

Districts that employ peace officers are required to provide paid mental health leave and quarantine leave to peace officers. Peace Officers will receive the same leave benefits as listed in the local policy, regulations, and applicable procedures.

# **Employee Relations and Communications**

## **Employee Recognition and Appreciation**

Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the district. Employees are recognized at board meetings, in the district newsletter, and through special events and activities.

## **District Communications**

Throughout the school year, the Administration office publishes newsletters, brochures, fliers, calendars, news releases, and other communication materials. These publications offer employees and the community information pertaining to school activities and achievements. This information can be found on the District's website, [www.cushingisd.org](http://www.cushingisd.org).

# Complaints and Grievances

## *Policy DGBA*

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the board has adopted an orderly grievance process. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time.

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the board of trustees. For ease of reference, the district's policy concerning the process of bringing concerns and complaints is reprinted as follows:

***<http://www.tasb.org/policy/pol/private/174902>***

# Employee Conduct and Welfare

## Standards of Conduct

### *Policy DH*

All employees are expected to work together in a cooperative spirit to serve the best interests of the district and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action.
- Know and comply with department and district policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use district time, funds, and property for authorized district business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines, including intentionally making a false claim, offering false statements, or refusing to cooperate with a district investigation may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day after the superintendent knew of the incident. See *Reports to the Texas Education Agency* page for additional information.

The *Educators' Code of Ethics*, adopted by the State Board for Educator Certification, which all district employees must adhere to, is reprinted below:

## *Texas Educators' Code of Ethics*

### **Purpose and Scope**

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. This chapter shall apply to educators and candidates for certification. (19 TAC 247.1(b))

### **Enforceable Standards**

#### **1. Professional Ethical Conduct, Practices, and Performance**

**Standard 1.1** The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

**Standard 1.2** The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

**Standard 1.3** The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

**Standard 1.4** The educator shall not use institutional or professional privileges for personal or partisan advantage.

**Standard 1.5** The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

**Standard 1.6** The educator shall not falsify records, or direct or coerce others to do so.

**Standard 1.7** The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

**Standard 1.8** The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

**Standard 1.9** The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

**Standard 1.10** The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

**Standard 1.11** The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

**Standard 1.12** The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs and toxic inhalants.

**Standard 1.13** The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

## **2. Ethical Conduct Toward Professional Colleagues**

**Standard 2.1** The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

**Standard 2.2** The educator shall not harm others by knowingly making false statements about a colleague or the school system.

**Standard 2.3** The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

**Standard 2.4** The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

**Standard 2.5** The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

**Standard 2.6** The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

**Standard 2.7** The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

**Standard 2.8** The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

### 3. Ethical Conduct toward Students

**Standard 3.1** The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

**Standard 3.2** The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

**Standard 3.3** The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

**Standard 3.4** The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

**Standard 3.5** The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

**Standard 3.6** The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

**Standard 3.7** The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

**Standard 3.8** The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

**Standard 3.9** The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;
- (iii) whether the communication was made openly or the educator attempted to conceal the communication;
- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;

- (v) whether the communication was sexually explicit; and
- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

## **Dress and Grooming**

All classroom staff personnel are professional and, should dress professionally. Certain types of dress are inappropriate for the classroom. Jeans, shorts, athletic warm ups, or other similar work or leisure clothing are not the dress of professional teachers. Coaches may wear a wind suit over shorts in the classroom with a polo type shirt. Caps are not to be worn in the building. We require the students to take their hats off. We as faculty members should set the example of not wearing caps in the building. Appropriate dress, other than shop area or during physical education class or activity, would be dresses, skirts (length shall not be more than 2 inches above knee), and non-blue jeans or slacks with blouses or sweaters for women, and non-blue jeans or slacks, sports shirts, or dress shirts for men. Blue denim jeans and purple shirts may be worn on Friday. Denim pant sets are also acceptable for women. Facial hair is to be well groomed and no longer than 0.5 inch in length.

Tennis shoes and track shoes may only be worn on Friday. The employee's immediate supervisor or principal will make final decisions as to what is appropriate dress and grooming.

## **Discrimination, Harassment, and Retaliation**

### *Policies DH, DIA*

Employees shall not engage in prohibited harassment, including sexual harassment, of other employees, unpaid interns, student teachers, or students. While acting in the course of their employment, employees shall not engage in prohibited harassment of other persons including board members, vendors, contractors, volunteers, or parents. A substantiated charge of harassment will result in disciplinary action.

Individuals who believe they have been discriminated or retaliated against or harassed are encouraged to promptly report such incidents to the Campus Principal, supervisor, or appropriate district official. If the Campus Principal, supervisor, or district official is the subject of a complaint, the complaint should be made directly to the superintendent. A complaint against the superintendent may be made directly to the board.

Any district employee who believes that he or she has experienced prohibited conduct based on sex, including sexual harassment, or believes that another employee has experienced such prohibited conduct, should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor, the Campus Principal, the Title IX coordinator, or the superintendent. The district's Title IX coordinator's name and contact information is listed in the Equal Employment Opportunity section of this handbook.

## **Harassment of Students**

*Policies DH, DHB, FFG, FFH, FFI*

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited.

Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the Campus Principal or other appropriate district official. Any district employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct based on sex, including sexual harassment, of a student shall immediately notify the district's Title IX coordinator, the ADA/Section 504 coordinator, or superintendent and take any other steps required by district policy.

All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents and promptly investigated. An employee who knows of or has reasonable cause to believe that child abuse or neglect occurred must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse* page and *Bullying*, page for additional information.

The district's policy that includes definitions and procedures for reporting and investigating harassment of students is reprinted below:

***DF (Legal) and FFH (Local) Policy Online***

## **Reporting Suspected Child Abuse**

*Policies DG, GRA*

All employees with reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect, as defined by Texas Family Code §261.001, are required by state law to make a report to a law enforcement agency, Child Protective Services (CPS), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering the facility) within 48 hours of the event that led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS.

Employees are also required to make a report if they have reasonable cause to believe that an adult was a victim of abuse or neglect as a child, and they determine in good faith that the disclosure of the information is necessary to protect the health and safety of another child, elderly person, or person with a disability.

Reports to Child Protective Services can be made online at <https://www.txabusehotline.org/Login/Default.aspx> or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the district is prohibited from taking an adverse employment action against a certified or licensed professional who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee's failure to make the required report may result in prosecution as a Class A misdemeanor. The offense of failure to report by a professional may be a state jail felony if it is shown the individual intended to conceal the abuse or neglect. In addition, a certified employee's failure to report may result in disciplinary procedures by SBEC for a violation of the Texas Educators' Code of Ethics.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the Campus Principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the Campus Principal before making a report to the appropriate agency.

Reporting the concern to the Campus Principal does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with investigators of child abuse and neglect. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

## **Sexual Abuse and Maltreatment of Children**

The district has established a plan for addressing sexual abuse and other maltreatment of children, which may be accessed at the Campus Principal's Office. As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Maltreatment is defined as abuse or neglect. Anyone who has reasonable cause to believe that a child has been or may be

abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect following the procedures described above in *Reporting Suspected Child Abuse*.

## **Reporting Crime**

### *Policy DG*

The Texas Whistleblower Act protects district employees who make good faith reports of violations of law by the district to an appropriate law enforcement authority. The district is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against, an employee who makes a report under the Act. State law also provides employees with the right to report a crime witnessed at the school to any peace officer with authority to investigate the crime.

## **Scope and Sequence**

### *Policy DG*

If a teacher determines that students need more or less time in a specific area to demonstrate proficiency in the Texas Essential Knowledge and Skills (TEKS) for that subject and grade level, the district will not penalize the teacher for not following the district's scope and sequence.

The district may take appropriate action if a teacher does not follow the district's scope and sequence based on documented evidence of a deficiency in classroom instruction. This documentation can be obtained through observation or substantiated and documented third-party information.

## **Technology Resources**

### *Policy CQ*

The district's technology resources, including its networks, computer systems, email accounts, devices connected to its networks, and all district-owned devices used on or off school property, are primarily for administrative and instructional purposes. Limited personal use is permitted if the use:

- Imposes no tangible cost to the district.
- Does not unduly burden the district's technology resources.
- Has no adverse effect on job performance or on a student's academic performance.

Electronic mail transmissions and other use of the technology resources are not confidential and can be monitored at any time to ensure appropriate use.

Employees are required to abide by the provisions of the district's acceptable use agreement and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about computer use and data management can contact the Technology Director.

## **Personal Use of Electronic Communications**

*Policy CQ, DH*

Electronic communications include all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic communications also include all forms of telecommunication such as landlines, cell phones, and web-based applications.

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in their public use of electronic communications as they are for any other public conduct. If an employee's use of electronic communications interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic communications for personal purposes shall observe the following:

- The employee may not set up or update the employee's personal social network page(s) using the district's computers, network, or equipment.
- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct district business.
- The employee shall not use the district's logo or other copyrighted material of the district without express written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on district business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant

that they have access to information and images that, if transmitted to the public, could violate privacy concerns.

- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records. [See Policy FL]
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See DH (EXHIBIT)]
  - Confidentiality of district records, including educator evaluations and private email addresses. [See Policy GBA]
  - Copyright law [See Policy CY]
  - Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See DH (EXHIBIT)]

See *Electronic Communications between Employees, Students, and Parents*, below, for regulations on employee communication with students through electronic media.

## **Electronic Communications between Employees, Students, and Parents**

### *Policy DH*

A certified or licensed employee, or any other employee designated in writing by the superintendent or a Campus Principal, may use electronic communications with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. Electronic communications between all other employees and students who are enrolled in the district are prohibited. Employees are not required to provide students with their personal phone number or email address.

An employee is not subject to the provisions regarding electronic communications with a student to the extent the employee has a social or family relationship with a student. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization. An employee who claims an exception based on a social relationship shall provide written consent from the student's parent. The written consent shall include an acknowledgement by the parent that:

- The employee has provided the parent with a copy of this protocol
- The employee and the student have a social relationship outside of school;
- The parent understands that the employee’s communications with the student are excepted from district regulation; and
- The parent is solely responsible for monitoring electronic communications between the employee and the student.

The following definitions apply for the use of electronic media with students:

- *Electronic communications* are defined as any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes email, text messages, instant messages, and any communication made through an Internet website, including a social media website or a social networking website.
- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee’s personal social network page or a blog) is not a *communication*: however, the employee may be subject to district regulations on personal electronic communications. See *Personal Use of Electronic Media*, above. Unsolicited contact from a student through electronic means is not a *communication*.
- *Certified or licensed employee* means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

An employee who communicates electronically with students shall observe the following:

- The employee is prohibited from knowingly communicating with students using any form of electronic communications, including mobile and web applications, that are not provided or accessible by the district unless a specific exception is noted below.
- Only a teacher, trainer, or other employee who has an extracurricular duty may use text messaging, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility. An employee who communicates with a student using text messaging shall comply with the following protocol:

- The employee shall include at least one of the student’s parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message
- The employee shall limit communications to matters within the scope of the employee’s professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
- The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page (“professional page”) for the purpose of communicating with students. The employee must enable administration and parents to access the employee’s professional page.
- The employee shall not communicate directly with any student between the hours of 11 p.m. and 6 a.m. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- The employee does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators’ Code of Ethics including:
  - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
  - Copyright law [Policy CY]
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DH]
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with one or more currently-enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through email, text messaging, instant messaging, or any other form of one-to-one communication.
- An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.
- All staff are required to use school email accounts for all electronic communications with parents. Communication about school issues through personal email accounts or

text messages are not allowed as they cannot be preserved in accordance with the district's record retention policy.

- An employee shall notify his or supervisor in writing within one business day if a student engages in an improper electronic communication with the employee. The employee should describe the form and content of the electronic communication.

## **Public Information on Private Devices**

### *Policy DH*

Employees should not maintain district information on privately owned devices. Any district information must be forwarded or transferred to the district to be preserved. The district will take reasonable efforts to obtain public information in compliance with the Public Information Act. Reasonable efforts may include:

- Verbal or written directive
- Remote access to district-owned devices and services

## **Criminal History Background Checks**

### *Policy DBAA*

Employees may be subject to a review of their criminal history record information at any time during employment. National criminal history checks based on an individual's fingerprints, photo, and other identification will be conducted on certain employees and entered into the Texas Department of Public Safety (DPS) Clearinghouse. This database provides the district and SBEC with access to an employee's current national criminal history and updates to the employee's subsequent criminal history.

## **Employee Arrests and Convictions**

### *Policy DH*

An employee must notify his or her Campus Principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of any felony, and any of the other offenses listed below:

- Crimes involving school property or funds
- Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator
- Crimes that occur wholly or in part on school property or at a school-sponsored activity

- Crimes involving moral turpitude

Moral turpitude includes the following:

- Dishonesty
- Fraud
- Deceit
- Theft
- Misrepresentation
- Deliberate violence
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor
- Crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance
- Felonies involving driving while intoxicated (DWI)
- Acts constituting abuse or neglect under the Texas Family Code

If an educator is arrested or criminally charged, the superintendent is also required to report the educator's criminal history to the Division of Investigations at TEA.

## **Alcohol and Drug-Abuse Prevention**

*Policy DH*

Cushing ISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed.

## **Tobacco Products and E-Cigarette Use**

*Policies DH, FNCD, GKA*

State law prohibits smoking, using tobacco products, or e-cigarettes on all district-owned property and at school-related or school-sanctioned activities, on or off school property. This

includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities. Drivers of district-owned vehicles are prohibited from smoking, using tobacco products, or e-cigarettes while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in all school buildings.

## **Fraud and Financial Impropriety**

### *Policy CAA*

All employees should act with integrity and diligence in duties involving the district's financial resources. The district prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety include the following:

- Forgery or unauthorized alteration of any document or account belonging to the district
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other district assets including employee time
- Impropriety in the handling of money or reporting of district financial transactions
- Profiteering as a result of insider knowledge of district information or activities
- Unauthorized disclosure of confidential or proprietary information to outside parties
- Unauthorized disclosure of investment activities engaged in or contemplated by the district
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district, except as otherwise permitted by law or district policy
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment
- Failing to provide financial records required by federal, state, or local entities
- Failure to disclose conflicts of interest as required by law or district policy
- Any other dishonest act regarding the finances of the district
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards

## **Conflict of Interest**

### *Policy CB, DBD*

Employees are required to disclose in writing to the district any situation that creates a potential conflict of interest with proper discharge of assigned duties and responsibilities or creates a potential conflict of interest with the best interests of the district. This includes the following:

- A personal financial interest
- A business interest
- Any other obligation or relationship
- Non-school employment

Employees should contact their supervisor for additional information.

## **Gifts and Favors**

### *Policy DBD*

Employees may not accept gifts or favors that could influence, or be construed to influence, the employee's discharge of assigned duties. The acceptance of a gift, favor, or service by an administrator or teacher that might reasonably tend to influence the selection of textbooks, electronic textbooks, instructional materials or technological equipment may result in prosecution of a Class B misdemeanor offense. This does not include staff development, teacher training, or instructional materials such as maps or worksheets that convey information to students or contribute to the learning process.

## **Copyrighted Materials**

### *Policy CY*

Employees are expected to comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Electronic media, including motion pictures and other audiovisual works, are to be used in the classroom for instructional purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.

## **Associations and Political Activities**

### *Policy DGA*

The district will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization.

An individual's employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. Use of district resources including work time for political activities is prohibited.

The district encourages personal participation in the political process, including voting. Employees who need to be absent from work to vote during the early voting period or on election day must communicate with their immediate supervisor prior to the absence.

## **Charitable Contributions**

### *Policy DG*

The Board or any employee may not directly or indirectly require or coerce an employee to make a contribution to a charitable organization or in response to a fundraiser. Employees cannot be required to attend a meeting called for the purpose of soliciting charitable contributions. In addition, the Board or any employee may not directly or indirectly require or coerce an employee to refrain from making a contribution to a charitable organization or in response to a fundraiser or attending a meeting called for the purpose of soliciting charitable contributions.

## **Safety**

### *Policy CK series*

The district has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. See Emergencies page for additional information.

To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

- Observe all safety rules.
- Keep work areas clean and orderly at all times.
- Immediately report all accidents to their supervisor.
- Operate only equipment or machines for which they have training and authorization.

While driving on district business, employees are required to abide by all state and local traffic laws. Employees driving on district business are prohibited from texting and using other electronic devices that require both visual and manual attention while the vehicle is in motion. Employees will exercise care and sound judgment on whether to use hands-free technology while the vehicle is in motion.

Employees with questions or concerns relating to safety programs and issues can contact the Superintendent.

## **Possession of Firearms and Weapons**

*Policies DH, FNCG, GKA*

Employees, visitors, and students, including those with a license to carry a handgun, are prohibited from bringing firearms, knives, clubs, or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. A person, including an employee, who holds a license to carry a handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot, garage, or other district provided parking area, provided the handgun or firearm or ammunition is properly stored, and not in plain view. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisor or call Campus Police Officer immediately.

## **Visitors in the Workplace**

*Policy GKC*

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge.

## **Asbestos Management Plan**

*Policy CKA*

The district is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for each school. A copy of the district's management plan is kept in the Maintenance office and is available for inspection during normal business hours.

## **Pest Control Treatment**

*Policies CLB, DI*

Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior approval of the integrated pest management (IPM) coordinator. Any application of pesticide or herbicide must be done in a manner prescribed by law and the district's integrated pest management program.

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located on or around all Exit Doors. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written, or electric means. Pest control information sheets are available from Campus Principal(s) or facility managers upon request.

# General Procedures

## Emergency School Closing

The district may close schools because of severe weather, epidemics, or other emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late, to release students early, or to cancel school, district officials will post a notice on the district's website and notifications will be sent out through K12 Alert Systems. Also see local TV & Radio Stations for further notifications.

## Emergencies

*Policies CKC, CKD*

All employees should be familiar with the safety procedures for responding to emergencies, including a medical emergency. Employees should locate evacuation diagrams posted in their work areas and be familiar with shelter in place, lockout, and lockdown procedures. Emergency drills will be conducted to familiarize employees and students with safety and evacuation procedures. Each campus is equipped with an automatic external defibrillator. Fire extinguishers are located throughout all district buildings. Employees should know the location of these devices and procedures for their use.

## Purchasing Procedures

*Policy CH*

All requests for purchases must be submitted to the Accounts Payable department on an official district purchase order (PO) form with the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services for the district can be made without a PO number. The district will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the district's business office. Contact Accounts Payable for additional information on purchasing procedures.

## Cushing ISD Purchasing, Travel and Reimbursement

Cushing ISD strives to maintain compliance with all state mandated purchasing laws while securing the best product for the lowest price in the most efficient manner. For District purchasing policies, please refer to the CISD Board policy which may be found in the quick link section of the CISD website . In no way should any of the following procedures override CISD Board policy.

Purchase orders must be secured prior to any purchase. CISD purchases are not allowed without an approved purchase order. This regulation is District policy and applies to all CISD employees. Board policy (LOCAL) states that **“Persons making unauthorized purchases shall assume full responsibility for all such debts.”** Failure to follow this Board policy will result in an employee’s personal liability for the expenditure. If an emergency or extraordinary need arises, please contact the business office.

Requests for purchases must be submitted via Websmart. The purchase requests are to be approved by the Campus Principal. Requisitions will be reviewed by selected campus/department personnel in the automated requisition system. Following this approval, the requisitions are sent to the business office for approval. Once approved, the requisitions are printed in the business office for purchase order processing.

Purchase orders are then returned to the campus office. Orders are to be placed by the requestor.

One pink copy of the purchase order is to be retained until order is completed and turned into the business office signed, and dated, “OK to pay” before a bill can be paid.

Expenditure coding used on purchase orders and Request for Payment forms should be determined by using the budget codes provided in this manual. Codes used should never be based on where budgeted funds are available. The business office will work with all departments in getting funds moved to proper codes and setting up new codes where applicable. Efforts should be made by departments to anticipate expenditures for the following year and budgeted appropriately. Request for Payment forms may be used for registration fees, memberships, dues and various other expenses. Appropriate approval signatures and budget account codes are required prior to processing. Paperwork and invoices should be submitted at least two weeks in advance to ensure the timely receipt of payment.

Beginning of the school year purchase orders will not be released prior to September 1. Due to the large volume of purchase orders produced at this time, purchase orders should be input and approved by Campus Principal(s) as quickly as possible.

\*\*\*All forms are available online at the CISD website. They should be completed online, printed and turned in to the campus office for processing. Do not bring forms directly to the business office.

Purchase Order Process:

1. Requestor completes requisition via TxEIS, required to initiate process. Incomplete requisitions will be returned.
2. Requisition approved by Campus Principal
3. Requisition approved by Business Office
4. Requisition approved by Superintendent

5. PO printed and processed by business office
6. Purchase Order returned to requestor for ordering
7. Pink copy is returned to business office when goods are received and invoice is OK to pay.

Important Dates to Remember

1. September 1, XXXX – Date purchase orders are released for beginning of year purchases
3. Second week of April – Deadline for all purchase orders

Request for Checks

1. Used when a check must accompany the forms submitted for an expenditure, i.e., registration fees, dues, memberships, or a check is needed.
2. Requestor completes requisition via TxEIS, required to initiate process. Incomplete requisitions will be returned.
3. Requisition approved by Campus Principal
4. Requisition approved by business office
5. Requisition approved by superintendent
6. PO printed and processed by business office
7. Purchase order returned to requestor for ordering
8. Pink copy is returned to business office signed and dated when check is needed.
9. Checks are printed once a week on Wednesday (after school) , and ALL paperwork must be in the business office on Monday by 8am prior to printing check on Wednesday.

Other Important Information

- EMERGENCIES – Transportation and maintenance repairs only... All other purchase must follow the proper procedure
- Any information that assists in efficiently processing the purchase should be included on the purchase request/order.

Remember business office must have the pink copy to print any check!

## ACTIVITY FUND - PURCHASING PROCEDURES

This section is designed to provide a set of standardized accounting guidelines and procedures for the administration of the Cushing Independent School District Activity Funds. Principals, secretaries and clerks, sponsors, and other personnel involved in the handling of Activity Funds are responsible for following the guidelines and procedures prescribed in this section. Please contact business office if you have questions regarding this information. All forms are available online at the CISD website and are to be completed online and printed to turn in to the campus office.

Activity Funds:

Activity funds consist of monies received and held by the campus to be expended or

invested for the benefit of students in accordance with District policy. Specifically, activity funds accumulate from the collection of student fees, and various school approved fundraising activities.

#### Activity Purchase Order Process:

1. Requestor completes requisition via TxEIS, required to initiate process. Incomplete requisitions will be returned.
2. Requisition approved by Campus Principal
3. Requisition approved by Business Office
4. Requisition approved by Superintendent
5. PO printed and processed by Business Office
6. Purchase Order returned to requestor for ordering
7. Pink copy is returned to Business Office when goods are received and invoice is OK to pay or check is needed. Please allow for two weeks when check is needed.

#### Responsibility:

The Campus Principal of a campus is responsible for the proper collection, disbursement and control of all activity funds to include:

- physical safeguard of all cash on campus
- accounting for all receipts and disbursements
- administration of all related recordkeeping
- compliance with all related District policies and procedures.
- Student activity funds – Fund 865 Campus Activity Funds 461
- benefit a specific club or organization, ie, band, cheerleading, math, science, etc.;
- raised by the organization’s members;
- liability accounts titled band, cheerleaders, science club, etc.;
- disbursed at the discretion of the student members under sponsor supervision.

#### Handling Cash:

- No petty cash funds are allowed.
- Cash should be counted by the collector in the presence of the sponsor at the time of collection.
- The original receipt should be written immediately and given to the sponsor.
- Cash is to be kept in a locked, secure place, ie, file cabinet, drawer, safe, until deposit. *DEPOSIT DAILY*.
- Only authorized personnel should have access to the locked area.
- Cash received is not to be used for making change or cashing checks for any one or any purpose.
- Checks written to schools should be for the amount of purchase only.
- Postdated checks are not to be accepted. Checks are not to be held.
- Checks written to schools are accepted under the same guidelines as checks written in the “outside world” and subject to the same penalties if returned by the bank for any reason.

- Checks must be listed individually on the back of the deposit ticket or on a list or tape attached. As many deposit tickets can be used as are needed to list all checks included in a deposit.
- Receipt copies and deposit tickets are to be kept intact in the receipt/deposit book.
- The bank customer receipt returned TO CISD Finance Office for posting.
- Any discrepancies found at any step in the process should be reported to the Campus Principal for immediate investigation and resolution.
- Collection efforts, ie, calls, letters, etc., are started immediately upon return of any check from the bank by Pay-Tek collections.
- In the event that it is determined that a check is uncollectible, documentation of collection efforts must be adequate and available prior to filing a check with the county office for collection.

#### Cash Disbursements:

- All check requests or PO should have proper documentation attached prior to being approved.
- A disbursement should never be made for an amount greater than the balance in an organization's fund.
- Documentation of the balance in an organization's fund should be required prior to approving a check request.
- Documentation of the balance in the entire activity fund should be monitored regularly in order to ensure that sufficient funds are available at the time any check is issued.

#### Do's & Do Not's:

- Review reports for regular deposits; reasonable balance; other credits/debits. These will be provided to the sponsors on a monthly basis.
- Require appropriate staff to provide documentation with reasonable explanation of any deposit error/discrepancy that occurred on the school's side.
- Ask appropriate staff for an explanation of anything that isn't what you expected or as you remember it.
- Require documentation supporting the explanation; you can always use me as an excuse.
- Keep a log of ongoing fundraisers and review transaction listings for collections that would be expected during that time.
- Review transaction listing for ending balance; deposits; disbursements; voided checks; transfers or adjustments.
- If you do not remember details of transfers, adjustments, unusual or infrequent transactions/postings, require an explanation and documentation
- PTA money is never to be handled by school personnel.
- PTA, Booster Clubs and other associated organizations must have their own tax-exempt status and employer identification number (EIN/TIN). They must not use the school district's EIN.

- Any payment to a District employee for any reason other than reimbursement for an allowable expenditure must be processed through Payroll and be accompanied by an extra help authorization form. No exceptions are applicable.
- Sales tax is not to be paid on an original invoice or on a reimbursement;
- Purchases made with activity funds are subject to the District's competitive bidding requirements and conflict of interest guidelines.
- Activity Fund records are to be retained at the school for a period of 5 years in accordance with the Local Government Records Act
- A student organization must have a sponsor.
- A student organization must have bylaws and officers and hold regular meetings.
- Minutes of the organization's meetings must be written and retained.
- The funds raised by a student organization are to be expended at the discretion of the students and documented in the minutes.
- Sponsors must keep detailed records of the organization's activities and collection and disbursement of the organization's funds.
- An organization to be disbanded may determine the use of the remaining balance in its activity fund.
- Funds remaining from an organization which made no such documented determination may be transferred by the Campus Principal to the another campus activity fund.
- Funds remaining from an organization with no such documented determination may be transferred by the business office to another campus activity fund, which benefits the student body as a whole, such as scholarships, etc.
- Funds remaining from an organization may not be reimbursed individually to students.
- Sponsors are to initiate the request for approval of fundraising activities via a completed approval form to the principal for review and approval.
- School-sponsored fundraisers must be approved by Administration prior to the event.
- A specific purpose for the funds to be raised should be determined prior to the fundraiser being requested.
- Texas law prohibits schools from conducting raffles, bingo and any other games of chance.
- Material or merchandise for a fundraising project may not be ordered prior to receiving written approval for the fundraiser from Administration.
- Any person who orders merchandise without prior approval of the fundraiser will assume full responsibility for the bill.

## PURCHASES MADE

Any purchases made in the name of the school district or group of the school district are exempt from sales tax. Exempt organizations are entitled to an exemption only on items purchased and used directly and exclusively in pursuit of the exempt purpose. For school districts, items purchased must relate to the educational process.

Purchases made by individual members or teachers/coaches of classes or teams have no exemptions even though they are connected with a school or a school organization. Examples are: cheerleaders purchasing their own uniforms, band members purchasing their own instrument, or science students purchasing a science board.

Generally, the meal must be paid for with a school check and the eating establishment must be provided with an exemption certificate. Individual members of the groups may not claim exemption from sales tax on meals they purchase while on a school or school district authorized trip.

The sales tax statute exempts the sales of food, including meals, soft drinks, and candy, by a group associated with a public or private elementary or secondary school when the sales are part of a fund-raising drive sponsored by the organization, and all net proceeds from the sale go to the organization for its exclusive use. Student groups, PTAs and booster clubs are included in the provision. It does not matter if the sale is during the school day, the evening, or on a weekend; if it is a fund-raiser, it is not taxable.

However, tax-exempt sales of food by a school district (i.e., food service) are limited to the regular school day. Catered food sales by the district's food service are taxable unless sold to the school district. All athletic event concession sales are taxable unless the sales are part of a fund-raising event.

## **BOOSTER CLUBS, PTAs, AND OTHER ASSOCIATE GROUPS**

Occasionally these groups have used the school district's tax exemption certificate or the employer identification number. By law, these groups must obtain their tax exemption status and employer identification number independent of the school district.

These groups associated with the school district may qualify to obtain a federal 501 (c) (3) exemption under the federal Internal Revenue Service (IRS) code. These organizations must also apply to the Texas Comptroller's office to be recognized as exempt entities. They should complete an IRS Form SS-4 to obtain their own employer identification number (EIN).

Organizations may choose to file IRS Form 1023 for 501 (c) (3) tax-exempt status; however, they may be able to be recognized as an exempt organization without filing the form. An organization that is organized as a 501 (c) (3) that is not a private foundation, or has gross receipts in each taxable year of normally not more than \$5,000 can automatically obtain the 501 (c) (3) status. However, the organization can only obtain a determination letter from the IRS if they do complete the Form 1023 along with the other required documentation. Once the organization obtains the exemption, it is allowed to have two one-day tax-free sales each calendar year. These groups must file their own Sales and Use Tax Return. These groups may hold raffles, but school districts and school district groups may not.

## THE FUNDS: PROPER USE

### Allowable expenditures:

- Contracted Services, ie, story teller, reading consultant, engraving;
- Supplies, ie, trophies, certificates, dance decorations, school store, food;
- Student travel;
- Sponsor/chaperone travel;
- Beautification;
- Camps.
- Gifts
- The State Ethics Commission established a workable limit of \$50 for meals and other gifts. In 1992, the Ethics Advisory Board held that benefits not allowed under state law included the following examples: a \$50 clock, a hotel room, an airline ticket, a hunting trip, football tickets, a hunting rifle, and a \$60 or more restaurant meal.
- The State Board of Educator Certification has defined “tokens of recognition” such as plaques, fruit, baked goods, coffee mugs and ornaments as acceptable gifts.
- Donations to charitable organizations

## FUNDRAISING

- Sponsors are to initiate the request for approval of fundraising activities via a completed approval form to the principal for review and approval.
- School-sponsored fundraisers must be approved by Campus Administration prior to the event.
- Material or merchandise for a fundraising project may not be ordered prior to receiving written approval for the fundraiser from Administration.
- Any person who orders merchandise without prior approval of the fundraiser will assume full responsibility for the bill.
- If the vendor’s payment is over \$10,000.00 – Must be Board approved.

### Prohibited expenditures:

- Sales tax – original invoice or reimbursements  
room, an airline ticket, a hunting trip, football tickets, a hunting rifle, and a \$60 or more restaurant meal.
- 2) The State Board of Educator Certification has defined “tokens of recognition” such as plaques, fruit, baked goods, coffee mugs and ornaments as acceptable gifts.
- Donations to charitable organizations;

### Prohibited expenditures:

- Sales tax – original invoice or reimbursements;
- Gifts for faculty; - See the above section under gifts
- Attendance incentives;

- Payments for employee services;
- Purchase of items for individual use.

## RECORD RETENTION

All accounting records related to the Student Activity accounts are retained for a period of seven years following the end of each fiscal year on August 31.

## END OF YEAR CHECKOUT FOR SPONSORS

It is required that the sponsors of each activity account check with the Business Office in order to clear any pending items related to the activity account such as outstanding invoices, deposits, or incomplete records. At this time the information for the account should be submitted to the Business Office if the sponsor will no longer serve in the following school year.

## THE FLAGS: SEEING RED

- Deposits not being made on a timely basis, ie, daily.
- Irregular deposits, ie, large amounts infrequently.
- Receipt books are missing.
- Receipt copies have been torn out.
- Voided receipts for which there is no replacement or explanation noted.
- Frequent voided receipts.
- Notice from bank of deposit error/discrepancy.
- No collections from organizations with ongoing fundraisers.
- Parents asking about checks which have not cleared their bank account in a timely manner.
- Negative balance in an organization's fund.
- No documentation/receipt with check request.
- Stale-dated checks, ie, with dates more than a month old, being shown as not cleared under outstanding items on monthly Activity Fund reconciliation.
- Anything that does not appear reasonable or make sense.
- Explanations that do not explain or answer question being asked, ie, the run around.
- Gifts for faculty; - See the above section under gifts
- Attendance incentives;
- Payments for employee services;
- Purchase of items for individual use.

## **Name and Address Changes**

It is important that employment records be kept up to date. Employees must notify the Human Resources office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. The form to process a change in personal information can be obtained from the Human Resources department.

## **Personnel Records**

*Policy DBA, GBA*

Most district records, including personnel records, are public information and must be released upon request. In most cases, an employee's personal email address is confidential and may not be released without the employee's permission.

Employees may choose to have the following personal information withheld:

- Address
- Phone number, including personal cell phone number
- Emergency contact information
- Information that reveals whether they have family members

The choice to not allow public access to this information or change an existing choice may be made at any time by submitting a written request to Human Resources. New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personal information may be released to the public until a request to withhold the information is submitted or another exception for release of information under law applies. An employee is responsible for notifying the district if he or she is subject to any exception for disclosure of personal or confidential information.

## **Facility Use**

*Policies DGA, GKD*

Employees who wish to use district facilities after school hours must follow established procedures. The Superintendent is responsible for scheduling the use of facilities after school hours. Contact the Superintendent to request to use school facilities and to obtain information on the fees charged.

# Termination of Employment

## Resignations

### *Policy DFE*

**Contract Employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received at least 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the Principal or direct supervisor and Human Resources. Contract employees may resign at any other time only with the approval of the superintendent or the board of trustees. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The principal is required to notify the superintendent of an educator's resignation within seven business days following an alleged incident of misconduct for any of the acts listed in *Reports to Texas Education Agency* section of this handbook. The superintendent will notify SBEC when an employee resigns and there is evidence to indicate that the employee has engaged in such misconduct.

**Noncontract Employees.** Noncontract employees may resign their position at any time. A written notice of resignation should be submitted to Principal or direct supervisor and Human Resources at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation but are not required to do so.

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student, or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal, or of knowing about an employee's resignation or termination following an alleged incident of misconduct described above.

## Dismissal or Nonrenewal of Contract Employees

### *Policies DF Series, DHB*

Employees on probationary, term, and continuing contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be non-renewed at the end of the contract term. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided when a written notice is given to an employee.

The principal is required to notify the superintendent of an educator's termination within seven business days following an alleged incident of misconduct for any of the acts listed in Reports to Texas Education Agency on page 73. The superintendent will notify SBEC when an employee is terminated and there is evidence to indicate that the employee has engaged in such misconduct.

Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or when the employee's certification is revoked for misconduct. Information on the timelines and procedures can be found in the DF series policies that are provided to employees or are available online.

## **Dismissal of Noncontract Employees**

*Policies DCD, DP*

Noncontract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, color, religion, sex, national origin, age, disability, military status, genetic information, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance. (See *Complaints and Grievances* page)

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student, or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal, or knew about an employee's resignation or termination following an alleged incident of misconduct described above.

## **Discharge of Convicted Employees**

*Policy DF*

The district shall discharge any employee who has been convicted of or placed on deferred adjudication community supervision for an offense requiring the registration as a sex offender or convicted of a felony under Title 5 Penal Code if the victim was a minor.

If the offense is more than 30 years before the date the person's employment began or the person satisfied all terms of the court order entered on conviction the requirement to discharge does not apply.

## **Exit Interviews and Procedures**

Exit interviews will be scheduled for all employees leaving the district. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience. All district keys, books, property, including intellectual property, and equipment must be returned upon separation from employment.

## **Reports to Texas Education Agency**

*Policies DF, DHB, DHC*

**Certified Employees.** The resignation or termination of a certified employee must be reported to the Division of Investigations at TEA if there is evidence that the employee was involved in any of the following:

- Any form of sexual or physical abuse of a minor, or any other unlawful conduct with a student or a minor
- Soliciting or engaging in sexual contact or a romantic relationship with a student or minor
- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of district or school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation
- Committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event.

The reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee or an applicant for certification has a reported criminal history or engaged in conduct violating the assessment security procedures established under TEC §39.0301. "Reported criminal history" means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

**Noncertified Employees.** The voluntary or involuntary separation of a noncertified employee from the District must be reported to the Division of Investigations at TEA by the superintendent if there is evidence the employee abused or otherwise committed an unlawful act with a student or minor, was involved in a romantic relationship with a student or minor, or solicited or engaged in sexual contact with a student or minor.

## **Reports Concerning Court-Ordered Withholding**

The district is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance. Notice of the following must be sent to the support recipient and the court or, in the case of child support, the Texas Attorney General Child Support Division:

- Termination of employment not later than the seventh day after the date of termination
- Employee's last known address
- Name and address of the employee's new employer, if known

# Student Issues

## Equal Educational Opportunities

*Policies FB, FFH*

In an effort to promote nondiscrimination and as required by law, Cushing ISD does not discriminate on the basis of race, color, religion, national origin, age, sex, or disability in providing education services, activities, and programs, including Career and Technical Education (CTE) programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

Questions or concerns about discrimination of students based on any of the reasons listed above should be directed to the Campus Principal.

## Student Records

*Policy FL*

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records. The following people are the only people who have general access to a student's records:

- Parents: Married, separated, or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights
- The student: The rights of parents transfer to a student who turns 18 or is enrolled in an institution of post-secondary education. A district is not prohibited from granting the student access to the student's records before this time.
- School officials with legitimate educational interests

The student handbook provides parents and students with detailed information on student records. Parents or students who want to review student records should be directed to the Campus Principal for assistance.

## Parent and Student Complaints

*Policy FNG*

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the board has adopted orderly processes for handling

complaints on different issues. Any campus office or the superintendent's office can provide parents and students with information on filing a complaint.

Parents are encouraged to discuss problems or complaints with the teacher or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved to their satisfaction should be directed to the Campus Principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a Campus Principal's response.

## **Administering Medication to Students**

### *Policy FFAC*

Only designated employees may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. Exceptions apply to the self-administration of asthma medication, medication for anaphylaxis (e.g., EpiPen<sup>®</sup>), and medication for diabetes management, if the medication is self-administered in accordance with district policy and procedures. A student who must take any other medication during the school day must bring a written request from his or her parent and the medicine in its original, properly labeled container. Contact the Campus Principal or school nurse for information on procedures that must be followed when administering medication to students.

## **Dietary Supplements**

### *Policies DH, FFAC*

District employees are prohibited by state law from knowingly selling, marketing, or distributing a dietary supplement that contains performance-enhancing compounds to a student with whom the employee has contact as part of his or her school district duties. In addition, employees may not knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a performance-enhancing dietary supplement to any student.

## **Psychotropic Drugs**

### *Policy FFAC*

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance.

District employees are prohibited by state law from doing the following:

- Recommending that a student use a psychotropic drug
- Suggesting a particular diagnosis

- Excluding from class or school-related activity a student whose parent refuses to consent to a psychiatric evaluation or to authorize the administration of a psychotropic drug to a student

## **Student Conduct and Discipline**

### *Policies in the FN series and FO series*

Students are expected to follow the classroom rules, campus rules, and rules listed in the Student Handbook and Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by the district. Other employees that have concerns about a particular student's conduct should contact the classroom teacher or Campus Principal.

## **Student Attendance**

### *Policy FEB*

Teachers and staff should be familiar with the district's policies and procedures for attendance accounting. These procedures require minor students to have parental consent before they are allowed to leave campus. When absent from school, the student upon returning to school, must bring a note signed by the parent that describes the reason for the absence. These requirements are addressed in campus training and in the student handbook. Contact the campus principal for additional information.

## **Bullying**

### *Policy FFI*

Bullying is defined by §TEC 37.0832. All employees are required to report student complaints of bullying, including cyberbullying, to Campus Principal. The district's policy includes definitions and procedures for reporting and investigating bullying of students and is reprinted below:

***[www.cushingisd.org](http://www.cushingisd.org)***

## **Hazing**

### *Policy FNCC*

Students must have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. While most initiation rites are permissible, engaging in or permitting "hazing" is a criminal offense. Any teacher, administrator, or employee who observes a student engaged in any form of hazing, who has reason to know or suspect that a student intends to engage in hazing, or has engaged in hazing must report that fact or suspicion to the designated campus administrator.

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